

SECTION 40 - REPAIR AND REPLACEMENT

Clean, Maintain, Repair

No approval is required to clean, maintain or repair an existing permitted encroachment ([IDAPA 20.03.04.020.04](#)).

Replacing the decking of an existing permitted encroachment with the same or different materials is considered a repair. Replacing damaged piling, float logs and other means of flotation (the same or different flotation device) of an existing permitted encroachment is a repair ([IDAPA 20.03.04.020.04](#)).

Replacement

Replacing an entire encroachment to the same configuration of the existing permitted encroachment will require a new permit application ([IDAPA 20.03.04.020.04](#)). The permitting process for replacement is the same process as required for new encroachments ([Idaho Code 58-1312](#)). If the existing encroachment does not meet the current requirements, it may not be replaced. It must be redesigned to conform to the current permitting requirements.

Changing Type of Encroachment

Changing the type of encroachment structure, such as replacing a floating section with a pier and ramp will require a new permit application.

Enlarging, Relocating, Extending

A permit application is required for enlarging, relocating, or extending an existing permitted encroachment ([IDAPA 20.03.04.020.04](#) and [20.03.04.020.05](#)). The permitting process for modification is the same process as required for new encroachments ([Idaho Code 58-1312](#)). As a result, the entire encroachment must meet the current permitting requirements.

Re-dredging

Re-dredging an existing channel or basin shall be considered a replacement and a new permit application is required, unless redredging is authorized in the current permit. Water quality certification from the Idaho Department of Environmental Quality (DEQ) is required prior to any dredging or redredging. Littoral owners conducting dredging or redredging shall supply Department personnel with proof of water quality certification from DEQ ([IDAPA 20.03.04.020.06](#)).

Modifications of a “Grandfathered” Encroachment

Modification of an encroachment constructed prior to January 1, 1975 will require the owner to submit a permit application and enter the same permitting process as required for new encroachments ([Idaho Code 58-1312](#)). The current encroachment standards must also be applied to the entire structure. This applies to all single and two-family docks as well as community docks.

Reconfiguration/Rearrangement

Rearrangement of single-family and two-family docks will require a new application for an encroachment permit ([IDAPA 20.03.04.020.05](#)).

Rearrangement of community docks and commercial navigational encroachments may not require a new application for an encroachment permit if the changes are only internal and will have no adverse impacts on navigation or adjacent littoral owners. The permittee will provide plans for the proposed changes to Area personnel for review. Area personnel will review the proposed changes and shall use the following criteria to help determine if a new application must be submitted ([IDAPA 20.03.04.020.05](#)):

- Overall footprint does not change in dimension or orientation;
- No increase in square footage (additional slips);
- The entrances and exits of the facility do not change.

Even if a new permit application is not required, a lease adjustment may be needed for changes to community docks or commercial marinas. See Section 50.